

EXHIBIT A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 36th JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 2025- -NI 074483
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Court address

212 E. Paw Paw Street, 2nd Floor, Paw Paw, MI 49079

Court telephone number

269-657-8200

Plaintiff's name, address, and telephone number Michael Chappell Marissa Chappell	v	Defendant's name, address, and telephone number AZZ Incorporated c/o Registered Agent CT Corporation System 1999 Bryan Street, Suite 900 Dallas, TX 75201
Plaintiff's attorney bar number, address, and telephone number Robert J. Schlacks, Jr. (P83278) Barry R. Conybeare (P52056) Conybeare Law Office, P.C. 519 Main Street, St. Joseph, MI 49085 Ph: 269-983-0561		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 1/13/25	Expiration date* 4/13/25	Court clerk SUZIE ROEHM
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number 2025- -NI

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 36th JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 2025- -NI 074483
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212 E. Paw Paw Street, 2nd Floor, Paw Paw, MI 49079

Court telephone number
269-657-8200

Plaintiff's name, address, and telephone number Michael Chappell Marissa Chappell	v	Defendant's name, address, and telephone number Penske Truck Leasing Co. L.P. c/o Resident Agent Corporation Service Company 2595 Interstate Drive, Suite 103 Harrisburg, PA 17110
Plaintiff's attorney bar number, address, and telephone number Robert J. Schlacks, Jr. (P83278) Barry R. Conybeare (P52056) Conybeare Law Office, P.C. 519 Main Street, St. Joseph, MI 49085 Ph: 269-983-0561		

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

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- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
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Case Number 2025- -NI

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Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) on Date and time

Signature on behalf of

Name (type or print)

STATE OF MICHIGAN
36th CIRCUIT COURT, VAN BUREN COUNTY

MICHAEL CHAPPELL AND
MARISSA CHAPPELL

File No: 2025-^{-NI}
074483

Plaintiffs,

HON.

v

AZZ INC., ANTHONY CHARLES
COLALILLO, and PENSKE TRUCK
LEASING CO., L.P.,

Defendants.

Barry Conybeare (P52056)
Robert Schlacks, Jr. (P83278)
Attorneys for Plaintiff
Conybeare Law Office, P.C.
519 Main Street
St. Joseph, MI 49085
(269) 983-0561
barry@conybearelaw.com
bob@conybearelaw.com
hannah@conybearelaw.com (non-lawyer)

**There is no other pending or resolved civil action arising out of the transaction or
occurrence alleged in this complaint.**

COMPLAINT

Now come the plaintiffs, Michael Chappell and Marissa Chappell, through their
attorneys, Conybeare Law Office, P.C., and for their complaint against defendants AZZ Inc.,
Anthony Charles Colalillo, and Penske Truck Leasing Co., L.P., state as follows:

COMMON ALLEGATIONS

1. Plaintiff Michael Chappell was at all times relevant to this claim a resident of Van Buren County, Michigan and is the lawful spouse of Marissa Chappell.

2. Plaintiff Marissa Chappell was at all times relevant to this claim a resident of Van Buren County, Michigan and is the lawful spouse of Michael Chappell.

3. Defendant, AZZ, Inc. (“AZZ”), is a corporation with its principal office in Fort Worth, Texas and regularly transported cargo through Van Buren County, Michigan.

4. Defendant, Anthony Charles Colalillo (“Colalillo”), is a resident of LaPorte County, IN.

5. Defendant, Penske Truck Leasing Co., L.P. (“Penske”), is a Pennsylvania Limited Partnership, with its principal place of business in Reading, Berks County, Pennsylvania, and conducted a course of business throughout Michigan.

6. The amount in controversy exceeds \$25,000.00 and this matter is otherwise within the jurisdiction of this court.

7. This cause of action arose from a motor vehicle collision that occurred on May 12, 2022, on westbound Interstate 94 near Mile Marker 34.2 in Berrien County, Michigan, at approximately 10:00 a.m. (the “Collision”).

8. At the time of the Collision, Michael Chappell was the driver of a 2019 Toyota Camry traveling on westbound Interstate 94.

9. At the time of the Collision, Marissa Chappell was a rear passenger in the 2019 Toyota Camry operated by Michael Chappell.

10. At the time of the Collision, Defendant Colalillo was the operator of a 2015 Freightliner Cascadia X11362ST truck tractor with trailer traveling on westbound Interstate 94.

11. At the time of the Collision, Defendant Penske was the owner and registrant of the semi-tractor operated by Colalillo and its logo appeared on the doors of the tractor.

12. At the time of the Collision Colalillo was driving the semi-tractor/trailer rig in the course and scope of his employment with AZZ.

13. At the time and location of the Collision, westbound Interstate 94 had two lanes for traffic due to construction, and the lanes were separated by a solid white line.

14. Colalillo moved his vehicle from the left lane across the centerline into the right lane, colliding with the Chappells' Camry in the right lane and causing it to overturn.

15. As a direct and proximate result of the Collision, Michael Chappell was injured and suffered severe physical injuries, serious impairment of his body function, pain and suffering, mental anguish, anxiety, weakness, loss of social and recreational pleasures, loss of consortium, other non-economic loss, and may incur excess economic damages beyond what is recoverable through no-fault coverage.

16. As a direct and proximate result of the Collision, Marissa Chappel was injured and suffered severe physical injuries, serious impairment of her body function, pain and suffering, mental anguish, anxiety, weakness, loss of social and recreational pleasures, loss of consortium, other non-economic loss, and may incur excess economic damages beyond what is recoverable through no-fault coverage.

17. Michael Chappell has no comparative negligence in relation to his injuries.

18. Marissa Chappell has no comparative negligence in relation to her injuries.

COUNT I – MICHAEL CHAPPELL v ANTHONY CHARLES COLALILLO

19. Plaintiff Michael Chappell realleges paragraphs 1-18 as if fully set forth herein.

20. Colalillo owed other motorists, and in particular Michael Chappell, a duty to operate his vehicle in a safe and reasonable manner.

21. Defendant Colalillo breached that duty and was negligent in that he:

- A. moved his vehicle from its lane of travel without first ascertaining the movement could be made safely in violation of MCL 257.642(1)(a),
- B. drove without due caution and circumspection and in a manner to endanger the person or property of others in violation of the common law and contrary to MCL 257.626b;
- C. committed other acts or omissions as may be revealed in discovery.

22. Plaintiff Michael Chappell sustained injuries and damages as identified in the Common Allegations. Plaintiff further sustained damages as a result of his loss of consortium as a result of the injuries inflicted on his spouse by Colalillo's negligent operation of his vehicle.

WHEREFORE, Plaintiff Michael Chappell requests the Court to enter judgment against Defendant Anthony Charles Colalillo, for whatever amount Plaintiff is found to be entitled, plus interest, attorney fees, costs, and other relief the Court deems proper.

COUNT II – MARISSA CHAPPEL v ANTHONY CHARLES COLALILLO

23. Plaintiff Marissa Chappell realleges paragraphs 1-18 as if fully set forth herein.

24. Colalillo owed other motorists, and in particular Marissa Chappell, a duty to operate his vehicle in a safe and reasonable manner.

25. Defendant Colalillo breached that duty and was negligent in that he:

- A. moved his vehicle from its lane of travel without first ascertaining the movement could be made safely in violation of MCL 257.642(1)(a),
- B. drove without due caution and circumspection and in a manner to endanger the person or property of others in violation of the common law and contrary to MCL 257.626b;
- C. committed other acts or omissions as may be revealed in discovery.

26. Plaintiff Marissa Chappell sustained injuries and damages as identified in the Common Allegations. Plaintiff further sustained damages as a result of her loss of consortium as a result of the injuries inflicted on her spouse by Colalillo's negligent operation of his vehicle.

WHEREFORE, Plaintiff Marissa Chappell requests the Court to enter judgment against Defendant Anthony Charles Colalillo, for whatever amount Plaintiff is found to be entitled, plus interest, attorney fees, costs, and other relief the Court deems proper.

COUNT III – MICHAEL CHAPPELL v AZZ, INC

27. Plaintiff Michael Chappell realleges paragraphs 1-22 as if fully set forth herein.

28. Defendant AZZ is vicariously liable for the negligence of Colalillo under the doctrine of *respondeat superior*, employer/employee, and/or principal/agent liability as Colalillo was acting within the scope of his employment with AZZ at the time of the Collision.

WHEREFORE, Plaintiff Michael Chappell requests the Court enter a judgment against Defendant AZZ, INC. for whatever amount they are found to be entitled, plus interest, attorney fees, costs, and such other relief the Court deems proper.

COUNT IV – MARISSA CHAPPELL v AZZ, INC

29. Plaintiff Marissa Chappell realleges paragraphs 1-18 and 23-26 as if fully set forth herein.

30. Defendant AZZ is vicariously liable for the negligence of Colalillo under the doctrine of *respondeat superior*, employer/employee, and/or principal/agent liability as Colalillo was acting within the scope of his employment with AZZ at the time of the Collision.

WHEREFORE, Plaintiff Marissa Chappell requests the Court enter a judgment against Defendant AZZ, INC. for whatever amount they are found to be entitled, plus interest, attorney fees, costs, and such other relief the Court deems proper.

COUNT V – MICHAEL CHAPPELL v PENSKE TRUCK LEASING CO., L.P.

31. Plaintiff Michael Chappell realleges paragraphs 1-22 and 27-28 as if fully set forth herein.

32. Pursuant to MCL 257.401, the owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law.

33. As owner of the vehicle operated by Colalillo, Penske is jointly and severally liable for all injuries and damages caused by the negligent operation of the motor vehicle.

34. Because the Penske logo appeared on the tractor, Defendant Penske is liable for the actions of the driver under logo liability, also recognized as placard liability.

WHEREFORE, Plaintiff Michael Chappell requests the Court enter a judgment against Defendant Penske Truck Leasing Co., L.P. for whatever amount they are found to be entitled, plus interest, attorney fees, costs, and such other relief the Court deems proper.

COUNT VI – MARISSA CHAPPELL v PENSKE TRUCK LEASING CO., L.P.

35. Plaintiff Marissa Chappell realleges paragraphs 1-18, 23-26, and 29-30 as if fully set forth herein.

36. Pursuant to MCL 257.401, the owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law.

37. As owner of the vehicle operated by Colalillo, Penske is jointly and severally liable for all injuries and damages caused by the negligent operation of the motor vehicle.

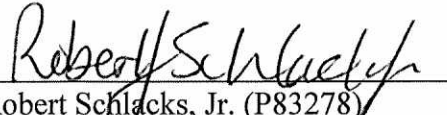
38. Because the Penske logo appeared on the tractor, Defendant Penske is liable for the actions of the driver under logo liability, also recognized as placard liability.

WHEREFORE, Plaintiff Marissa Chappell requests the Court enter a judgment against Defendant Penske Truck Leasing Co., L.P. for whatever amount they are found to be entitled, plus interest, attorney fees, costs, and such other relief the Court deems proper.

CONYBEARE LAW OFFICE, P.C.

DATE: January 10, 2025

BY:


Robert Schlacks, Jr. (P83278)
Barry R. Conybeare (P52056)
Attorneys for Plaintiff
519 Main Street
St. Joseph, MI 49085
(269) 983-0561

TRUE COPY
JAN 13 2025
Van Buren County Clerk

STATE OF MICHIGAN
36TH CIRCUIT COURTSION, VAN BUREN COUNTY

MICHAEL CHAPPELL AND
MARISSA CHAPPELL

File No: 2025- -NI
0744 83

Plaintiffs,

HON.

v

AZZ INC., ANTHONY CHARLES
COLALILLO, and PENSKE TRUCK
LEASING CO., L.P.,

Defendants.

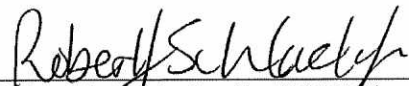
Barry Conybeare (P52056)
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Attorneys for Plaintiff
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(269) 983-0561
barry@conybearelaw.com
bob@conybearelaw.com
hannah@conybearelaw.com

JURY DEMAND

Plaintiffs, Michael Chappell and Marissa Chappell, hereby request a trial by jury.

CONYBEARE LAW OFFICE, P.C.

Dated: January 10, 2025


Robert J. Schlacks, Jr. (P83278)
Barry R. Conybeare (P52056)
Attorneys for Plaintiff
519 Main Street
St. Joseph, MI 49085
269-983-0561

TRUE COPY

JAN 13 2025

Van Buren County Clerk